

## REMARKS

### I. Introduction

Applicants express appreciation for Examiner Robinson's courtesy and professionalism in conducting a telephonic interview on October 18, 2004. Applicants would also like to thank Examiner Robinson for the indication of allowable subject matter recited by claims 9-12. In response to the Office Action dated September 22, 2004, Applicants have amended claims 1, 2, 4, 5, 9, 10, 11 and 12 in the manner discussed and approved by the Examiner. Support for these amendments can be found, for example, in Figs 1 and 2, and their corresponding section of the specification. No new matter has been added. Applicants respectfully submit that all pending claims are now in condition for allowance.

Should there remain any outstanding issues that require adverse action, it is respectfully requested that the Examiner telephone the undersigned attorney below so that such issues may be resolved as expeditiously as possible.

### II. The Rejection Of The Claims Under 35 U.S.C. § 112, Second Paragraph

Claims 1-14 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Specifically, the Examiner asserts that the claim limitation "assigning a priority to a keyword, said keyword operative as a tag, which is tagged to an image" is vague and unclear. Though Applicants do not agree with the foregoing conclusion, in an effort to advance the prosecution expeditiously, it is respectfully submitted that the foregoing claim language has been deleted from the pending claims, and the pending rejection to claims 1-14 under 35 U.S.C. § 112, second paragraph is moot.

**III. The Rejection Of Claims 1-8, 13 and 14 Under 35 U.S.C. § 102**

Claims 1-8, 13 and 14 stand rejected under 35 U.S.C. § 102(b) as being anticipated by USP No. 5,913,205 to Jain. Applicants respectfully traverse this rejection for at least the following reasons.

Independent claims 1 and 4, as amended, recites in-part a method of retrieving an image comprising the steps of setting a retrieval request containing a degree of importance for a plurality of keywords by assigning a degree of importance to each keyword, and calculating a necessity signal for an image based on the retrieval request and the plurality of keywords, each of the plurality of keywords being tagged to the image.

In accordance with the present invention, as readily shown in Fig. 3 of Applicants' drawings, a pair of buttons 330 for each keyword is provided: one for increasing the level of the degree of importance and the other for decreasing it. The present invention enables the users to set the desired degree of importance for each keyword by clicking the level-up or level-down button. Through such operation, a retrieval request signal to search a desired image is output from the menu entry section 4 for calculating a degree of importance for the image based on the priority assigned to the keyword. The foregoing method allows beginners to search and obtain intended information and desired images conveniently and effectively.

However, as discussed during the personal and telephonic interview, Jain only discloses a query window (see, Fig. 3) specifying alpha-numeric information such as keywords, dates, file name masks, project or clients names. Sliders are provided to control the relative importance or weights of the visual query attributes such as color, texture, shape, location and keywords. As such, the slider only changes the importance of the attributes of keywords, but does not change a degree of importance for each keyword. It does not appear that Jain discloses assigning a degree of

importance for each keyword to a desired level or calculating a necessity signal based on any retrieval request or the keywords each of which is assigned a degree of importance.

Thus, at a minimum, Jain does not disclose setting a retrieval request containing a degree of importance for a plurality of keywords by assigning a degree of importance to each keyword, or calculating a necessity signal for an image based on the retrieval request and the plurality of keywords, each of the plurality of keywords being tagged to the image, as recited by amended claims 1 and 4.

As anticipation under 35 U.S.C. § 102 requires that each element of the claim in issue be found, either expressly described or under principles of inherency, in a single prior art reference, *Kalman v. Kimberly-Clark Corp.*, 713 F.2d 760, 218 USPQ 781 (Fed. Cir. 1983), and at a minimum, Jain fails to disclose the foregoing claim elements, it is clear that Jain does not anticipate claim 1 or 4, or any of the claims dependent thereon.

**IV. All Dependent Claims Are Allowable Because The Independent Claims From Which They Depend Are Allowable**

Under Federal Circuit guidelines, a dependent claim is nonobvious if the independent claim upon which it depends is allowable because all the limitations of the independent claim are contained in the dependent claims, *Hartness International Inc. v. Simplimatic Engineering Co.*, 819 F.2d at 1100, 1108 (Fed. Cir. 1987). Accordingly, as claims 1 and 4 are patentable for the reasons set forth above, it is respectfully submitted that all claims dependent thereon are also in condition for allowance.

For all of the foregoing reasons, it is submitted that claims 2-3, 5-8, 13 and 14 are patentable over the cited prior art. Accordingly, it is respectfully submitted that the rejections of claims 1-8, 13 and 14 under 35 U.S.C. § 102 have been overcome.

V. **Conclusion**

Accordingly, it is urged that the application is in condition for allowance, an indication of which is respectfully solicited.

If there are any outstanding issues that might be resolved by an interview or an Examiner's amendment, the Examiner is requested to call Applicants' attorney at the telephone number shown below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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